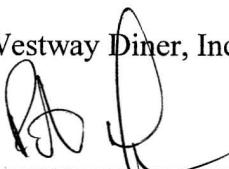


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANDREAS PEFANIS, on behalf of himself and :  
others similarly situated, :  
Plaintiff, : 08 Civ. 0002 (DLC)  
v. :  
SUBSTITUTION  
WESTWAY DINER, INC., :  
Defendant. :  
-----X

**IT IS HEREBY CONSENTED TO THAT** the firm of THOMPSON WIGDOR & GILLY LLP, located at 85 Fifth Avenue, New York, NY 10003 be substituted as attorneys of record for Defendant Westway Diner, Inc. in the above-captioned action in place and instead of *Mitchell & Forman LLP, Esq.* Arthur H. Forman, Esq., 98-20 Metropolitan Avenue, Forest Hills, New York 11375 as of the date hereof. By the signature of their authorized representative below, this substitution is consented to by Defendant and by Arthur H. Forman, Esq.

Dated: New York, New York  
September 22, 2010

By:   
Westway Diner, Inc.  
Peter Dafnos

*Mitchell & Forman LLP*  
Arthur H. Forman, Esq.  
By:   
Arthur H. Forman, Esq.  
98-20 Metropolitan Avenue  
Forest Hills, New York 11375  
Phone: (718) 268-2616  
Facsimile: (718) 575-1600

THOMPSON WIGDOR & GILLY LLP

By:   
\_\_\_\_\_  
Scott Browning Gilly,  
sgilly@twglaw.com  
Basil C. Sitaras,  
bsitaras@twglaw.com  
85 Fifth Avenue  
New York, NY 10003  
Telephone: (212) 257-6800  
Facsimile: (212) 257-6845